

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PROVIDING FOR CONSIDERATION OF H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mr. FOSSELLA). The pending business is the vote on adoption of House Resolution 527 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 11, not voting 21, as follows:

[Roll No. 563]

YEAS—401

Abercrombie	Cole (OK)	Gibbons
Ackerman	Conaway	Gilchrest
Aderholt	Conyers	Gillmor
Akin	Cooper	Gingrey
Alexander	Costa	Gohmert
Allen	Costello	Gonzalez
Andrews	Cramer	Goode
Baca	Crenshaw	Goodlatte
Bachus	Crowley	Gordon
Baird	Cubin	Granger
Baker	Cuellar	Graves
Baldwin	Culberson	Green (WI)
Barrett (SC)	Cummings	Green, Al
Barrow	Cunningham	Green, Gene
Bartlett (MD)	Davis (AL)	Gutierrez
Barton (TX)	Davis (CA)	Gutknecht
Bass	Davis (IL)	Harman
Bean	Davis (KY)	Harris
Beauprez	Davis (TN)	Hart
Becerra	Davis, Jo Ann	Hastings (WA)
Berkley	Davis, Tom	Hayes
Berman	Deal (GA)	Hayworth
Berry	DeFazio	Hefley
Biggert	DeGette	Hensarling
Bilirakis	Delahunt	Herger
Bishop (GA)	DeLauro	Herseth
Bishop (NY)	DeLay	Higgins
Blackburn	Dent	Hinchee
Blumenauer	Diaz-Balart, L.	Hinojosa
Blunt	Diaz-Balart, M.	Hobson
Boehlert	Dicks	Hoekstra
Boehner	Dingell	Holden
Bonilla	Doggett	Honda
Bonner	Doolittle	Hooley
Bono	Doyle	Hostettler
Boozman	Drake	Hoyer
Boren	Dreier	Hulshof
Boucher	Duncan	Hunter
Boustany	Edwards	Hyde
Bradley (NH)	Ehlers	Inglis (SC)
Brady (TX)	Emanuel	Inslee
Brown (OH)	Emerson	Israel
Brown (SC)	Engel	Issa
Brown, Corrine	English (PA)	Jackson (IL)
Burgess	Eshoo	Jackson-Lee
Burton (IN)	Etheridge	(TX)
Buyer	Evans	Jefferson
Calvert	Everett	Jenkins
Camp	Farr	Jindal
Cannon	Fattah	Johnson (CT)
Cantor	Feeney	Johnson (IL)
Capito	Ferguson	Johnson, E. B.
Capps	Filner	Johnson, Sam
Capuano	Fitzpatrick (PA)	Jones (NC)
Cardin	Flake	Kanjorski
Cardoza	Foley	Kaptur
Carnahan	Forbes	Keller
Carson	Ford	Kelly
Carter	Fortenberry	Kennedy (MN)
Case	Fossella	Kennedy (RI)
Castle	Fox	Kildee
Chandler	Frank (MA)	Kilpatrick (MI)
Chocola	Franks (AZ)	Kind
Clay	Frelinghuysen	King (IA)
Cleaver	Gallely	Kingston
Clyburn	Garrett (NJ)	Kirk
Coble	Gerlach	Kline

Knollenberg	Neugebauer	Shadegg
Kolbe	Ney	Shaw
Kucinich	Northup	Shays
Kuhl (NY)	Nunes	Sherman
LaHood	Nussle	Sherwood
Langevin	Oberstar	Shimkus
Lantos	Obey	Shuster
Larsen (WA)	Ortiz	Simmons
Larson (CT)	Osborne	Simpson
Latham	Otter	Skelton
LaTourette	Owens	Slaughter
Leach	Oxley	Smith (NJ)
Lee	Pallone	Smith (TX)
Levin	Pascrell	Smith (WA)
Lewis (CA)	Paul	Snyder
Lewis (GA)	Payne	Sodrel
Lewis (KY)	Pearce	Solis
Linder	Pelosi	Souder
Lipinski	Pence	Spratt
LoBiondo	Peterson (MN)	Stark
Lofgren, Zoe	Peterson (PA)	Stearns
Lowey	Petri	Strickland
Lucas	Pickering	Stupak
Lungren, Daniel	Pitts	Sullivan
E.	Platts	Sweeney
Lynch	Poe	Tancredo
Mack	Pomeroy	Tanner
Maloney	Porter	Tauscher
Manzullo	Price (GA)	Taylor (NC)
Marchant	Price (NC)	Terry
Markey	Pryce (OH)	Thomas
Marshall	Putnam	Thompson (CA)
Matheson	Radanovich	Thompson (MS)
Matsui	Rahall	Thornberry
McCollum (MN)	Ramstad	Tiberi
McCotter	Rangel	Tierney
McCrery	Regula	Turner
McGovern	Rehberg	Udall (CO)
McHenry	Reichert	Udall (NM)
McHugh	Renzi	Upton
McIntyre	Reyes	Van Hollen
McKeon	Reynolds	Velázquez
McKinney	Rogers (AL)	Visclosky
McNulty	Rogers (KY)	Walden (OR)
Meenan	Rogers (MI)	Walsh
Meek (FL)	Rohrabacher	Wamp
Meeks (NY)	Ros-Lehtinen	Wasserman
Melancon	Ross	Schultz
Menendez	Royce	Waters
Mica	Ruppersberger	Watson
Michaud	Rush	Watt
Millender	Ryan (OH)	Waxman
McDonald	Ryan (WI)	Weiner
Miller (FL)	Ryun (KS)	Weldon (FL)
Miller (MI)	Salazar	Weldon (PA)
Miller (NC)	Sánchez, Linda	Weller
Miller, Gary	T.	Westmoreland
Miller, George	Sanchez, Loretta	Wexler
Mollohan	Sanders	Whitfield
Moore (KS)	Saxton	Wicker
Moore (WI)	Schakowsky	Wilson (NM)
Moran (KS)	Schmidt	Wilson (SC)
Moran (VA)	Schwartz (PA)	Wolf
Murphy	Schwarz (MI)	Woolsey
Murtha	Scott (GA)	Wynn
Musgrave	Scott (VA)	Young (AK)
Myrick	Sensenbrenner	Young (FL)
Napolitano	Serrano	
Neal (MA)	Sessions	

NAYS—11

Grijalva	Nadler	Sabo
Holt	Olver	Taylor (MS)
Jones (OH)	Pastor	Wu
McDermott	Rothman	

NOT VOTING—21

Bishop (UT)	Davis (FL)	Norwood
Boswell	Hall	Pombo
Boyd	Hastings (FL)	Roybal-Allard
Brady (PA)	Istook	Schiff
Brown-Waite,	King (NY)	Tiahrt
Ginny	McCarthy	Towns
Butterfield	McCaul (TX)	
Chabot	McMorris	

□ 1207

Mr. JACKSON of Illinois changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BUTTERFIELD. Mr. Speaker, on rollcall No. 562, had I been present I would have voted “nay.” On rollcall No. 563, had I been present I would have voted “aye.”

## APPOINTMENT OF CONFEREES ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the Chair appoints the following conferees: Mr. WALSH, Mr. ADERHOLT, Mrs. NORTHUP, Messrs. SIMPSON, CRENSHAW, YOUNG of Florida, KIRK, REHBERG, CARTER, LEWIS of California, EDWARDS, FARR, BOYD, BISHOP of Georgia, PRICE of North Carolina, CRAMER, and OBEY.

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBERSTAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, be instructed to insist on section 603 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, we will not take anywhere near the time allotted. I will take a few moments to explain the motion which the gentleman from Alaska, the chairman of our committee, and I have discussed previously.

The subject of this motion is summed up by a committee hearing held earlier this year on the tragedy that occurred November 26, 2004. The *Athos*, 750-foot single-hull tank vessel, hit a submerged object in Delaware Bay just

south of Philadelphia, spilling 265,000 gallons of heavy crude oil.

In January of this year, our Subcommittee on Coast Guard and Maritime Transportation held a field hearing on this marine casualty in Philadelphia. The Coast Guard estimated that the costs of cleanup and natural resources damages resulting from the grounding of the *Athos* I could be in the range of \$200 million. Under current law, the owners of the vessel would be liable for costs of only up to \$45 million.

At that hearing, the Chairman, the gentleman from New Jersey (Mr. LOBIONDO), and our newly elected Member, the gentlewoman from Pennsylvania (Ms. SCHWARTZ), raised the concern that the limits of the vessel owner's liability for response, cleanup, and restoration to the damages caused by this spill were relatively modest, set when the Oil Pollution Act of 1990 was enacted over 15 years ago. The Chairman and I both remember, when we served on the Merchant Marine and Fisheries Committee, we were part of setting that oil pollution liability limit. We have not increased those limits since that time even though inflation has actually overtaken.

With the leadership of the chairman of the subcommittee and the gentlewoman from Philadelphia and to ensure that the limits do not again become out of date, Section 603 directs the President to adjust limits of liability. First, Section 603 adjusts the liability limits to account for the inflation of the past 15 years, since the Oil Pollution Act was enacted. Secondly, the provision requires that the President adjust these liability limits not less than every 3 years to reflect changes in the Consumer Price Index since the last adjustment.

I thank the chairman of the Subcommittee on Coast Guard and Maritime Transportation, the gentlewoman from Philadelphia (Ms. SCHWARTZ), and especially our chairman who has concurred, and we worked together in crafting this language to ensure that the Coast Guard reauthorization bill includes this provision and the other provisions of H.R. 1412, the Delaware River Protection Act of 2005. I think it is an important step forward for the environment, for the taxpayers, and for safety of the future.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of the gentleman's motion to instruct.

H.R. 889, which was passed unanimously by this House, includes a provision that would increase liability limits by approximately 50 percent for double-hull tank vessels and would, for the first time, establish higher liability limits for single-hull tank vessels.

This legislation was developed through the regular committee process on a completely bipartisan basis.

Further, this bill is supported by the oil and shipping industries as a commonsense measure that both increases the industries' responsibilities and maintains the protections of the Oil Spill Liability Trust Fund to deal with any other major oil spills in the future.

Mr. Speaker, this motion to instruct is one I agree with and, therefore, I urge that we accept it.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, there is no comparable provision that I am aware of, and that is why I think it is important for the House to insist on this language, a position that I know the Chairman will stoutly defend, and we will have unanimous support on our side. We will have a bipartisan position.

Mr. LOBIONDO. Mr. Speaker, I rise in strong support of the gentleman from Minnesota's motion to instruct.

As the gentleman knows, this provision was originally included in H.R. 1412, the Delaware River Protection Act, which I introduced and which passed with unanimous support in the House. I thank Chairman YOUNG, and Ranking Member OBERSTAR for including the provisions of that bill as part of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

I thank the co-sponsors of the original legislation for their assistance in crafting this provision: Mr. SAXTON, Mr. CASTLE, Mr. ANDREWS and Ms. SCHWARTZ, and I urge my colleagues to support the motion to instruct and the underlying bill as we move to conference with the Senate.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will appoint conferees at a later time.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOOLITTLE) at 2 p.m.

## PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE SUPPLEMENTAL REPORT ON H.R. 4128, PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be allowed to file a supplemental report to accompany H.R. 4128, the Private Property Rights Protection Act of 2005, prior to its passage today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes."

## GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4128.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 527 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4128.

□ 1402

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4128) to protect private property rights, with Mr. KLINE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman